

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

BAY AREA PAINTERS AND TAPERS PENSION
TRUST FUND, et al.,

Plaintiffs,

v.

GOLDEN VAS PAINTING, a California
partnership; CHRISTINA MARGARET
VASILATOS, individually and as
qualifying partner; and HELENI MARIA
TOFAVAHA, individually and as
qualifying partner,

Defendants.

No. C 10-2923 CW

ORDER DENYING EX
PARTE REQUEST TO
EXPEDITE ISSUANCE
OF WRIT OF
EXECUTION
(Docket No. 54)

On May 24, 2011, partial judgment in the amount of \$20,474.46 was entered against Defendant Golden Vas Painting. The same day, Plaintiffs Bay Area Painters and Tapers Trust Fund, et al., moved for an order directing the Clerk to issue immediately a writ of execution with respect to this partial judgment.

Generally, the execution or enforcement of a judgment is automatically stayed for fourteen days after entry of the judgment. Fed. R. Civ. P. 62(a). Excepted from this rule is "an interlocutory or final judgment in an action for an injunction or a receivership" or "a judgment or order that directs an accounting in an action for patent infringement." Id.

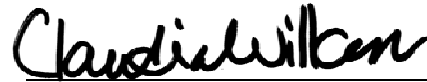
Neither of the exceptions to Rule 62(a)'s automatic stay provision applies to this case. Thus, a writ of execution cannot issue until after the stay period expires. Plaintiffs cite two cases in which the Clerk issued writs of execution the same day as

1 requests for such writs were made. However, in those cases, the
2 writs were sought after the stay period had elapsed.

3 Accordingly, Plaintiffs' ex parte request is DENIED. (Docket
4 No. 54.)

5 IT IS SO ORDERED.

6
7 Dated: 5/25/2011



CLAUDIA WILKEN
United States District Judge